

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

<p>JANEAN J. GOODWIN,</p> <p>)</p> <p>)</p> <p> Plaintiff,</p> <p>)</p> <p>)</p> <p> vs.</p> <p>)</p> <p>)</p> <p> JO ANNE B. BARNHART,</p> <p>)</p> <p> Commissioner, Social Security</p> <p>)</p> <p> Administration,</p> <p>)</p> <p>)</p> <p> Defendant.</p> <p>)</p>	<p>CASE NO. 8:05CV103</p> <p>)</p> <p>)</p> <p> MEMORANDUM</p> <p>)</p> <p> AND ORDER</p> <p>)</p>
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This matter is before the Court on the Application for Attorney Fees (Filing No. 12) under the Equal Access to Justice Act filed by the Plaintiff, Janean J. Goodwin. The application for attorney fees is filed pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and is supported by an itemization of services submitted by Goodwin's attorney, Gregory W. Peterson. The Court also notes the Response submitted by the Defendant, Jo Anne B. Barnhart, Commissioner of Social Security (Filing No. 13).

The Commissioner's final decision was not substantially justified. Before filing an answer, the Commissioner filed an unopposed Motion to Reverse and Remand. (Filing No. 9.) Accordingly, the Court entered Judgment reversing the matter and remanding the case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). (Filing Nos. 10, 11.)

Subsequently, the Plaintiff's attorneys filed a timely application for attorney fees and costs. The total amount requested for Krause is a fee of \$748.80 (4.80 hours at \$156.00hour). The requested hourly rate exceeds the usual rate of \$125 per hour established in the 1995 amendment to 28 U.S.C. § 2412(d)(2)(D)(2)(A). However, the Plaintiff's attorney has submitted information regarding the increase in cost of living since

1995. Peterson also requests reimbursement in the amount of \$250.00 for the filing fee. The Commissioner does not contest the requested amount. (Filing No. 13.) The Court determines, pursuant to § 2412(d)(2)(D)(2)(A), that an increased cost of living justifies the higher requested fee.

After reviewing the record, the briefs, the Affidavit, and the applicable law, the Court finds that the requested award of attorney fees is appropriate. The Court will order payment of fees to the Plaintiff's attorney.

IT IS ORDERED:

1. The Plaintiff's Application for Attorney Fees (Filing No. 12) filed by the Plaintiff, Janean J. Goodwin, is granted;
2. The Plaintiff is awarded attorney fees in the amounts of \$748.80 to Gregory W. Peterson, Plaintiff's attorney;
3. Costs in the amount of \$250.00 are payable to Gregory W. Peterson, Plaintiff's attorney, from the Judgment Fund administered by the Treasury Department.

DATED this 4th day of August, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge